

## North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

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[www.ncbfs.org](http://www.ncbfs.org)

**E-NEWSLETTER** February 2018: Volume 14, Issue 2

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, March 14, 2018** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

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### **BOARD STAFF ANNOUNCEMENTS**

The Board is delighted to announce that Mr. Stephen E. Davis will be joining the Board staff as Executive Director on March 5, 2018. Mr. Davis brings to the Board staff a wealth of experience on executive management, fiscal management, legislative matters, and the funeral service industry. He may be reached at [sdavis@ncbfs.org](mailto:sdavis@ncbfs.org).

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**The deadline for licensure renewal was December 31, 2017.** Any licenses or permits that were not renewed by February 1, 2018 have been forfeited and surrendered to the Board. Requests for reinstatement must be made to the Board's Legal Department in writing.

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### **LEGISLATIVE ANNOUNCEMENTS**

Pursuant to Session Law 2017-23, all Certificates of Assumed Name filed before December 1, 2017, will have an expiration date of December 1, 2022.

If you have filed an assumed name before December 1, 2017 and intend to continue engaging in business in North Carolina using the assumed name on or after December 1, 2022, you must file a new Assumed Business Name Certificate form, as required by the new law. Assumed Business Name Certificates filed on or after December 1, 2017, will not expire under the new law.

For more information, please contact your local County Register of Deeds.

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The North Carolina Certificate of Death form has been revised with two new field label changes as shown below:

- Field Label #17, previously listed as FATHER'S NAME (First, Middle, Last), is now changed to FATHER/PARENT NAME (First, Middle, Last) / (Last Name Prior to First Marriage)

- Field Label #18, previously listed as MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last), is now changed to MOTHER/PARENT NAME (First, Middle, Last)/(Last Name Prior to First Marriage)

The revised death certificate currently is available on DHHS, Division of Public Health, Vital Records' website (<http://vitalrecords.nc.gov/>) under the "Funeral Director" tab.

NC Vital Records has informed local health departments that the updated form must be used no later than March 1, 2018 and previous versions will no longer be accepted thereafter. For more information, please contact DHHS, Division of Public Health, Vital Records.

DHHS, Division of Public Health, Vital Records, is pleased to announce that it has received the funding to start the implementation of an Electronic Death Registry System ("EDRS") in North Carolina. A vendor was selected in January 2018 and plans for the development of the system are underway. The Board will share more information as it becomes available as to when the EDRS will be rolled out to licensees.

### **TRAINEESHIP ANNOUNCEMENTS**

Board staff have observed an increase in work reports that are not completed fully and accurately. As such, trainees and supervisors are reminded to review work reports carefully prior to submission. The following tiered discipline will be imposed upon trainees who repeatedly submit deficient work reports:

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| <p><u>First Deficient Work Report:</u><br/>         -First time deficient; or<br/>         -No previous warning letters sent to Trainee</p>   | <p>Warning letter will be sent to both the trainee and the supervisor, containing tiered discipline for any subsequent deficient work reports.</p>   |
| <p><u>Second Deficient Monthly Work Report:</u><br/>         -Second time deficient; or<br/>         -Only one previous warning letter containing tiered discipline sent to Trainee</p> | <p>Warning letter will be sent to both the trainee and the supervisor, containing tiered discipline for any subsequent deficient work reports.</p>   |
| <p><u>Third Deficient Monthly Work Report:</u><br/>         -Third time deficient; or<br/>         -Only two previous warning letters sent to Trainee</p>                               | <p>Trainee and supervisor will be notified that the Trainee has lost work credit for any and all months in which a deficient report was received. Trainee will not lose credit for any months that were included in first and second warning letter.</p> |

Additionally, trainees and supervisors are reminded to notify the Board immediately and in writing whenever a traineeship ends prior to certification.

## **LICENSEE COMPLIANCE ANNOUNCEMENTS**

On June 16, 2016, the FTC staff issued an opinion, which addresses when a funeral provider may violate the Funeral Rule upon placing a consumer in a casket display room to wait to speak to a funeral director without first showing the consumer a Casket Price List (“CPL”). The FTC staff opined that, “[a]llowing providers to escort prospective customers to a casket display room to wait for a funeral director who could respond to an inquiry, without first showing them a CPL,” likely would violate the FTC Funeral Rule. To review FTC Staff Opinion 16-01, [click here](#).

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At its January 2018 Board meeting, the Board directed the Board staff to provide compliance opinions consistent with the following: The offering and/or providing of direct online cremations in North Carolina by licensees holding an active funeral establishment permit, unaffiliated license, or crematory permit issued by the Board currently is compliant with the Board’s statutes and rules, provided that said licensees must comply with all statutes and rules governing the practice of funeral service and cremations that otherwise would apply if the arrangements were made in person.

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Licensees are reminded that, pursuant to 21 NCAC 34C .0303(b), all funeral establishments must use Board Form 56D (Delivery of Cremated Remains from Funeral Establishment) when documenting the release of human remains to the recipient of the cremated remains. Establishments may use other types of documents to establish receipt **only** if they also prepare a receipt on the prescribed Board Form as well. Questions regarding compliance may be addressed to [complianceopinion@ncbfs.org](mailto:complianceopinion@ncbfs.org).

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**Have a compliance question?** Remember to use the Board’s question-and-answer feature, Compliance Opinion. If the question relates to your own *prospective* conduct, you may send an electronic correspondence to [complianceopinion@ncbfs.org](mailto:complianceopinion@ncbfs.org). You also may send a facsimile to (919) 733-8271, attention “Compliance Opinion.” Your correspondence must include: (1) your name; (2) your licensee affiliation/status; (3) all facts necessary for an opinion to be rendered; and (4) any supporting, pertinent documentation. In the order in which they are received, inspectors will provide responses to these inquiries, to the extent they pertain to future actions and matters within the purview of the Board’s Laws and Rules *only*. If your question relates to past conduct (your own or that of another licensee), the Board staff may decline to answer.

A special reminder to licensees: Board staff other than inspectors cannot provide licensees with compliance advice. Questions about whether or not your actions would be compliant with the Board’s laws and rules are not legal questions and should not be directed to our legal department. Rather, they are compliance questions and should be directed to our compliance/inspection

department. For your convenience, compliance questions may be answered in any one of the following methods:

- **By emailing the Board's Compliance opinion email:** [complianceopinion@ncbfs.org](mailto:complianceopinion@ncbfs.org)
- By contacting the Board's Compliance Liaison, Brett Lisenbee, or your individual inspector at the contact information provided on the Board's website [here](#).

\*\*Please note that, on occasion, calls to individual inspectors will be routed to the "on-call" inspector of the day so that compliance calls can be answered as quickly as possible.

## **MUTUAL BURIAL ASSOCIATION COMPLIANCE ANNOUNCEMENTS**

**February 15** was the deadline for every mutual burial association to file with the Board an annual report, which covers the complete financial condition of the mutual burial association for the preceding calendar year. Failure to timely submit the financial report will result in a fine of \$25/per day for each day after February 15 that the report is late. The mutual burial association financial report template is available [here](#).

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NCGS 90-210.95 provides that each MBA with assets of \$10,000 or less must have a bond payable to the Board as trustee in an amount not less than \$1,000 and not more than \$10,000, in the discretion of the Board. At its January 2018 Board meeting, the Board voted that, going forward, associations with assets less than \$10,000 must maintain a bond that, at a minimum, is equal to or greater than the fund balance at all times, as determined by the Board's inspectors, but at no time less than \$1,000.00.

## **PRENEED COMPLIANCE ANNOUNCEMENTS**

As a reminder, the 2017 Preneed Annual Reports were mailed to all preneed establishment licensees during the week of January 22, 2018. Completed 2017 Preneed Annual Reports are due **no later than March 31, 2018**. As a reminder, on-line filing of the Preneed Annual Report will not be available in 2018 as the Board is in the process of migrating to a new database system.

Please note that the instructions and certification sheet for the 2017 Preneed Annual Report were revised so that certain summary information no longer is required. Any questions should be directed to the Board's Preneed Program Assistant, Ms. Lyn Cochrane, at [lcochrane@ncbfs.org](mailto:lcochrane@ncbfs.org). As a reminder, this year, the Board will accept bank and insurance year-end reports showing the fund balances for preneed contracts as of December 31, 2017, in lieu of requiring licensees to put the updated balances directly on the Preneed Annual Report.

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At its December 2017 Board meeting, the Board voted to increase the amount of funds dedicated to its Preneed Recovery Fund to \$5.00 per preneed contract filed with the Board in 2018. This

action does not increase the filing fee paid by licensees to the Board, but will make more funds available to pay consumers whose entrusted funds have been misappropriated by licensees.

As a reminder, the Board is statutorily required to inform local district attorneys when it receives evidence that licensees have misappropriated preneed funds, which is a felony offense under N.C. Gen. Stat. § 90-210.70(a).

**NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN JANUARY 15, 2018 AND FEBRUARY 15, 2018**

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| <b>Chapels</b>                            | None  |
| <b>Crematories</b>                        | Harwood Home for Funerals and Cremation Services – Black Mountain   |
| <b>Transporters</b>                       | Wesley Mack Bowers – Jonesville<br>Thomas Jeffrey Raye – Bostic   |
| <b>Unaffiliated Licensees</b>             | Rumeal Malik Ferguson Funeral Service Licensee – Henderson  |
| <b>Funeral Establishments</b>             | TL Faison’s Funeral Care, LLC – Change of Ownership – Seaboard  |
| <b>Preneed Funeral Establishments</b>     | TL Faison’s Funeral Care, LLC – Change of Ownership - Seaboard  |
| <b>Funeral Service Licensees</b>          | Brian Anthony Massarotti - Charlotte<br>Kent Henry Brondel – Beaufort<br>Caleb Jordan Massey - Burlington<br>Donald Lee Costner – Newport, TN<br>Robert Jeffreys Thaxton – Evington, VA<br>Vincent Patrick Spinelli – Fairmont, WV<br>Jennifer Robin Huskey Hobbs - Hillsborough  |
| <b>Funeral Directors</b>                  | Zachary Austin Brown - Reidsville<br>Raymond Lewis Watson - Durham<br>Richard Scott Nixon - Hamptonville  |
| <b>Trainees (Starting February, 2018)</b> | Patricia Morgan Asbell – Wilmington Funeral & Cremation<br>Veronica Jean Bailey – Unity Funeral Services<br>Johnny Cecil Carpenter, Jr. – Summersett Funeral Home, Inc.<br>Dequalyn S. Dawson – Stevens Funeral Home<br>Ebony K. Garner – First Family Funeral & Cremation Service<br>John Travis Hill – Apex Funeral Home<br>Audry Jones – Wiseman Mortuary, Inc.<br>Holly M. Morgan – Townson-Rose Funeral Home<br>Elizabeth Morris – Heritage Funeral & Cremation Services |

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|  | Ella A. Musick – Memorial Funeral Service<br>Michael Anthony Ratliff – Holloway Memorial Funeral Home<br>Wendy Renee Windham – Heritage Funeral Service |
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**RECENTLY APPROVED CONTINUING EDUCATION COURSES**

The Board’s list of approved Continuing Education courses is updated regularly and can be found on the Board’s website at this [link](#).